**STUDENT RECORDS**

**Section 1. General.**

**Section 1.1** A cumulative educational record shall be maintained for each student from her entrance into the Hawthorn Leadership School for Girls through the last date of attendance or through graduation, whichever occurs first. Education records shall be retained according to the guidelines set forth in the retention schedules developed by the Office of the Missouri Secretary of State.

**Section 1.2** Each student's educational record will include information required by state and federal statutes, regulations or agencies and shall include other information considered necessary by school officials.

**Section 2. Confidentiality.**

**Section 2.1** Hawthorn will comply with the mandates of the Family Educational Rights and Privacy Act (FERPA) and the Safe Schools Act regarding confidentiality of student records and disclosure of personally identifiable information.

**Section 2.2** All information contained in a student's educational record, except information designated as directory information by Hawthorn, shall be confidential and shall be accessible only to school officials who demonstrate a legitimate educational interest in the student's records and to parents/guardians or eligible students, except as otherwise authorized by law.

**Section 3. Directory Information**

**Section 3.1** Directory information is information contained in an education record of a student that generally would not be considered harmful or an invasion of privacy if disclosed without the consent of a parent or eligible student. Hawthorn will designate the types of information included in directory information and may release this information without first obtaining consent from a parent or eligible student unless a parent or eligible student notifies Hawthorn in writing as directed. Parents and eligible students will be notified annually of the information Hawthorn has designated as directory information and the process for notifying Hawthorn if they do not want the information released.

**Section 3.2** Hawthorn designates the following items as directory information:

*General Directory Information* – The following information Hawthorn maintains about a student may be disclosed by Hawthorn without first obtaining written consent from a parent or eligible student:

Student's name; parents' names; grade level; enrollment status; participation in school-sponsored or school-recognized activities and sports; weight and height of members of athletic teams; dates of attendance; degrees, honors and awards received; artwork or course work displayed by the school; schools or school districts previously attended; and photographs, videotapes, digital images and recorded sound unless such records would be considered harmful or an invasion of privacy.

*Limited Directory Information* – In addition to general directory information, the following information Hawthorn maintains about a student may be disclosed to: parent groups or booster clubs that are recognized by the Board and are created solely to work with Hawthorn, its staff, students and parents and to raise funds for school activities; parents of other students enrolled in Hawthorn; governmental entities including, but not limited to, law enforcement, the juvenile office and the Children's Division (CD) of the Department of Social Services:

The student's address, telephone number and e-mail address and the parents' addresses, telephone numbers and e-mail addresses.

**Section 4. Release of Education Records**

**Section 4.1** Disclosure of information from a student's education records will be made only with the written consent of the parent or eligible student, subject to the following exceptions. Hawthorn may disclose education record information without consent in accordance with law, including when the disclosure is:

            1.         To school officials who have a legitimate educational interest in the records.

            2.         To officials of another school in which a student is enrolled or seeks or intends to enroll as long as the disclosure is for purposes related to the enrollment or transfer.

            3.         Directory information.

            4.         To military recruiters or institutions of higher education that have requested the names, addresses and telephone listings of secondary school students. However, Hawthorn will honor a request from a secondary school student or her parent not to release the information.

            5.         To organizations conducting studies for or on behalf of Hawthorn or other educational agencies or institutions to develop, validate or administer predictive tests, administer student aid programs or improve instruction if the legal requirements for disclosure are met.

            6.         To state and local authorities, when allowed by state statute, if the disclosure concerns law enforcement’s or juvenile justice authorities' ability to effectively serve, prior to adjudication, the student whose records are released. The officials and authorities to whom such information is disclosed may be required to certify in writing that the information will not be disclosed to any other party except as allowed by law or with the written consent of the parent.

            7.         To accrediting organizations to carry out their accrediting functions.

            8.         To parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1986.

            9.         To parents of a student who is not an eligible student or to the student.

            10.       To comply with a judicial order or a lawfully issued subpoena. Unless otherwise ordered, and except in cases where a parent is a party to a court proceeding involving child abuse or neglect or dependency matters and the order or subpoena is issued in the context of that proceeding, Hawthorn will make a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or student may seek protective action.

            11.       In connection with a student's request for or receipt of financial aid to determine the eligibility, amount or conditions of the financial aid or to enforce the terms and conditions of the aid.

            12.       To authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of the United States Department of Education or state and local education authorities in connection with an audit or evaluation of federally or state-supported education programs or for the enforcement of or compliance with federal legal requirements relating to these programs.

            13.       To appropriate parties when there is an articulable and significant threat to the health or safety of a student or other persons. The nature of the threat and the persons to whom the information was disclosed must be recorded.

            14.       To an agency, caseworker or other representative of a state or local child welfare agency or tribal organization who has a right to access the student's case plan, as determined by the state or tribal organization, when such agency or organization is legally responsible for the care and protection of the student. This disclosure is limited to student records or information from those records used for the purpose of addressing the student's education needs.

            15.       To other persons authorized to receive education records pursuant to FERPA and 34 C.F.R., Part 99, or other applicable laws.

**Section 5.** **Military Recruiters.**

**Section 5.1** Upon request by military recruiters or an institution of higher learning, Hawthorn will provide students' names, addresses and telephone listings. Parents will be notified annually of their right to individually request that such information not be released without prior parental consent. Military recruiters will be provided the same access to students as is given to institutions of higher learning.

**Section 6. Inspection and Review**

**Section 6.1** All parents may inspect and review their student's education records, seek amendments, consent to disclosures and file complaints regarding the records as allowed by law. These rights transfer from the parent to the student once the student becomes an eligible student. An eligible student is a student or former student of Hawthorn who has reached age 18 or is attending a postsecondary school. Hawthorn will annually notify parents and eligible students of their rights in accordance with law.

**Section 6.2** Hawthorn will extend the same access to records to either parent, regardless of divorce, custody or visitation rights, unless Hawthorn is provided with evidence that the parent's rights to inspect records have been legally modified.

**Section 6.3** *Review Procedures*

1. The parents or the eligible student should submit to the Head of School a written request that identifies as precisely as possible the record or records they wish to inspect. The Head of School or designee will make the needed arrangements for access as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected. Access must be given as soon as possible, but within forty-five (45) days.
2. If a parent or eligible student requests an education record that contains information on more than one identifiable student, Hawthorn will not disclose the record unless Hawthorn is able to effectively redact information pertaining to the other student(s) or the law otherwise allows for the disclosure.
3. If a parent or eligible student believes the education records related to the student contain information that is inaccurate, misleading or in violation of the student's privacy, he or she may ask Hawthorn to amend the record by following the appeals procedure outlined in section 6.4 of this policy.

**Section 6.4** *Appeal Procedures*

Parents or eligible students have the right to request correction of education records that they believe are inaccurate, misleading or in violation of their privacy rights. Following are the procedures for the correction of education records:

1. Parents or the eligible student must ask Hawthorn to amend a record. In so doing, they must identify the part of the record they want changed and specify why they believe it is inaccurate, misleading or in violation of the student's privacy rights. The request should be made to the Head of School.
2. The Head of School or designee will decide, within a reasonable period of time after receiving the request, whether to amend the record as requested. Hawthorn will notify the parents or eligible student of the decision and, if the request for amendment is denied, will inform them of their right to a hearing to challenge the content of the student's education records on the grounds that the information included is inaccurate, misleading or in violation of the student's privacy rights.
3. Hawthorn will hold a hearing within a reasonable period of time after a request for a hearing is received. Hawthorn will notify the parents or eligible student, reasonably in advance, of the date, place and time of the hearing.
4. The hearing will be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be a Hawthorn official. The parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records. The parents or eligible student may be assisted by one or more individuals of their choice, including an attorney.
5. The hearing officer will prepare a written decision based solely on the evidence presented at the hearing and provide a copy to Hawthorn and the parents or the eligible student within a reasonable period of time after the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.
6. If the hearing officer decides that the information is inaccurate, misleading, or in violation of the student's privacy rights, Hawthorn will amend the record and notify the parents or eligible student of the amendment in writing.
7. If the hearing officer decides that the challenged information is not inaccurate, misleading or in violation of the student's privacy rights, Hawthorn will notify the parents or eligible student that they have a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the Hawthorn discloses the contested portion of the record, it must also disclose the statement.

**Section 7. Recordkeeping**

**Section 7.1** Unless exempted below, Hawthorn will maintain a record of all requests for and disclosures of information from a student's education records. Hawthorn will maintain the record of requests and disclosures with the education records of the student as long as the records are maintained. The record will indicate the name of the party making the request, any additional party to whom the information may be redisclosed and the legitimate interest the party had in requesting or obtaining the information. The record may be reviewed by the parents or eligible student.

**Section 7.2** When Hawthorn discloses personally identifiable information from education records to third parties without parental consent in a health or safety emergency, Hawthorn will record the articulable and significant threat to the health or safety of individuals that formed the basis for the disclosure and the parties to whom Hawthorn disclosed the information.

**Section 7.2** Hawthorn is not required to maintain a record of requests by or disclosures to:

1. The parent or eligible student.
2. School officials within Hawthorn who have a legitimate educational interest in the student's education record.
3. A party with written consent from the parent or eligible student.
4. A party seeking directory information.
5. A party seeking or receiving the records as directed by a law enforcement subpoena if the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.